

Calendar No. 171

106TH CONGRESS }
1st Session }

SENATE

{ REPORT
106-89

THOMAS COLE NATIONAL HISTORIC SITE DESIGNATION ACT

JUNE 24, 1999.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 140]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 140) to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 5, line 6, strike the word “manage,” and insert in lieu thereof “manage, administer,”.
2. On page 5, line 12, strike the words “by the Society”.
3. On page 6, lines 16 through 24 amend subsection (c) to read as follows:

“(c) ACQUISITION OF PERSONAL PROPERTY.—The Secretary may acquire personal property associated with, and appropriate for, the interpretation of the historic site.”.

PURPOSE OF THE MEASURE

The purpose of S. 140, as ordered reported, is to establish the Thomas Cole National Historic Site in New York as an affiliated area of the National Park System.

BACKGROUND AND NEED

The artist Thomas Cole was born in 1801 in Lancashire, England and immigrated to America in 1818. From 1836 until his death in 1848, he and his wife, Maria, lived in Catskill, New York.

Thomas Cole founded the American artist tradition known as the Hudson River School. He painted landscapes of the American wilderness as untamed and majestic. In recent years a major exhibition of his work was held at the National Museum of American Art. Currently several pieces are on display at the Corcoran Gallery of Art.

His house “Cedar Grove” remained in the family until 1979 when it was obtained by the Thomas Cole Foundation. It was acquired in 1998 by the Greene County Historical Society, using a matching grant from New York State’s Environmental Protection Fund.

A 1991 National Park Service study determined that the Cedar Grove site requires special recognition or technical assistance beyond what is available through existing NPS programs and recommended that the Thomas Cole National Historic Site be established.

LEGISLATIVE HISTORY

S. 140 was introduced by Senators Moynihan and Schumer on January 19, 1999. The Subcommittee on National Parks, Historic Preservation and Recreation held a hearing on S. 140 on May 25, 1999.

At its business meeting on June 16, 1999 the Committee on Energy and Natural Resources ordered S. 140, favorably reported, as amended.

COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on June 16, 1999, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 140, if amended as described herein.

COMMITTEE AMENDMENT

During its consideration of S. 140, the Committee adopted three amendments.

The first two amendments make technical, clarifying and conforming changes. The third amendment eliminates the specific authority for the Secretary of the Interior to acquire works of art associated with Thomas Cole and other Hudson River artists for the purpose of display at the historic site. The amendment allows the Secretary to acquire personal property associated with, and appropriate for, the interpretation of the historic site.

The amendment is explained in detail in the section-by-section analysis, below.

SECTION-BY-SECTION ANALYSIS

Section 1 designates the bill’s short title as the “Thomas Cole National Historic Site Designation Act”.

Section 2 contains Congressional findings and purposes. The purposes of this legislation are to preserve and interpret the Thomas Cole house and studio for the benefit, inspiration and education of the people of the United States; to help maintain the integrity of the setting in the Hudson River Valley region that inspired artistic expression; to coordinate the interpretive, preservation and rec-

reational efforts of Federal, State, and other entities in the Hudson Valley region in order to enhance opportunities for education, public use and enjoyment, and to broaden understanding of the Hudson River Valley region and its role in the history and culture of the United States.

Section 3 defines terms used in the bill.

Section 4(a) establishes the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

Subsection(b) describes the historic site as the house and studio, comprising approximately 3.4 acres at 218 Spring Street in the village of Catskill, New York as described on boundary map TCH/80002 from March 1992.

Section 5 provides that the Greene County Historical Society (the Society) shall own, manage and operate the historic site as provided in the cooperative agreement referred to in *Section 6*.

Section 6(a) directs that under a cooperative agreement, the historic site shall be administered in a manner consistent with this Act and laws generally applicable to units of the National Park System. Specific mention is made to the National Park Service Organic Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Historic Sites Act of August 21, 1935 (U.S.C. 461 et seq.).

Subsection(b)(1) authorizes the Secretary of the Interior to enter into cooperative agreements with the Society to preserve the Thomas Cole House and other structures at the historic site and to assist with education programs, research and interpretation of the house and associated landscapes in the historic site.

Paragraph (2) allows for additional cooperative agreements with the State of New York, the historical society, the Thomas Cole Foundation and other public and private entities to further the purposes of this Act and to develop, present and fund art exhibits, resident artist programs and other activities related to the site.

Subsection (c) permits the Secretary of the Interior to acquire personal property associated with, and appropriate for, interpretation of the historic site.

Subsection(d)(1) directs the Society, with assistance from the National Park Service, to develop a general management plan for the site no later than September 30, 2000.

Paragraph (2) specifies the plan must include recommendations for regional wayside exhibits, to be developed through cooperative agreements with the State of New York and other public and private entities.

Paragraph (3) requires the general management plan to be prepared in accordance with section 12(b) of Public Law 91-383 (16 U.S.C. 1a-7(b)).

Paragraph (4) requires copies of the plan to be submitted to the Senate Committee on Energy and Natural Resources and the Committee on Resources of the House of Representatives.

Section 7 authorizes appropriations necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 24, 1999.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 140, the Thomas Cole National Historic Site Designation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 140—Thomas Cole National Historic Site Designation Act

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 140 would cost the federal government between \$5 million and \$10 million over the next five years. S. 140 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

S. 140 would establish as an affiliated area of the National Park System the Thomas Cole National Historic Site in New York. The site, consisting of about three acres of land on which the former home and studio of the artist are located, would continue to be owned and operated by the Greene County Historical Society. The bill would authorize the National Park Service (NPS) to execute cooperative agreements with the society, a local nonprofit organization, to preserve the house and other on-site structures and to assist with educational programs. The NPS may also enter into such agreements with the society, the state, the Thomas Cole Foundation, or other groups to assist them in developing and funding art exhibits, resident artist programs, and other activities. S. 140 would authorize the NPS to acquire personal property associated with the historic site, and would require the historical society (with NPS assistance) to develop a general management plan for the site. Finally, the bill would authorize the appropriation of whatever sums are necessary for these purposes.

Assuming appropriation of the necessary amounts, CBO estimates that the NPS would spend about \$5 million over the next few years to develop an interpretive program for the new historic site, restore or improve site structures, perform needed research, acquire personal property such as furnishings, and finally, to finance the society's general management plan. In addition to this amount, the agency could purchase other personal property, such as art work, subject to the appropriation of amounts requested for this purpose. CBO estimates that such acquisitions could cost as much as \$5 million over several years. Routine operating and maintenance expenses of the historic site would remain the respon-

sibility of the historical society. The NPS could provide assistance to the society for interpretive activities, but we estimate that the annual costs of such assistance or assistance under other cooperative agreements would not be significant. This estimate is based on information provided by the NPS and the historical society.

The CBO staff contact is Deborah Reis. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 140. The bill is not a regulatory measure in the sense of imposing Government-established standards of significant economic responsibilities on private individuals and businesses.

No person information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from enactment of S. 140, as ordered reported.

EXECUTIVE COMMUNICATIONS

On May 25, 1999, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on S. 140. These reports has not been received at the time the report on S. 140 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF KATHERINE STEVENSON, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCE STEWARDSHIP AND PARTNERSHIPS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 140, a bill to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System. We support enactment of S. 140 with two minor technical amendments regarding management of the site.

S. 140 would establish the Thomas Cole National Historic Site as an affiliated area of the National Park System. The site would comprise the home and studio of Thomas Cole and the 3.4 acre site on which they stand in Catskill, New York. The site would be owned, operated and managed by the Greene County Historic Society. The Secretary of the Interior would be authorized to enter into cooperative agreements with the historical society to preserve the site and to assist in the education and interpretation of the site and associated landscapes. The Secretary

would also be authorized to enter into cooperative agreements with the State of New York, the Thomas Cole Foundation, the Greene County Historical Society or other entities to further the purposes of the Act or for other activities related to the site. The Secretary is directed to assist the historical society in the development of a general management plan for the site and, upon completion of the plan, to submit it to the appropriate committees in Congress.

Thomas Cole (1801–1848), pioneer interpreter of the romantic beauty of the American landscape, is considered the finest landscape painter of his time. He began his artistic career in Manhattan, but searched outside the city for subjects to paint. Finding inspiration in the beauty of the Hudson River Valley, he eventually moved to the two-story brick house in Catskill. Cole is considered the father of the Hudson River School of painting, the first great movement in American art. During his time he was a significant spokesman for Americans' emerging pride in what was distinctive about their country.

His home and studio remain largely unchanged from the time when he lived and worked there. Within a 15-mile radius of his home there are more than 20 sites which were painted by Hudson River School artists, including ten sites painted by Thomas Cole. These sites are located on lands protected by New York State. The Thomas Cole House is a National Historic Landmark and was formerly owned by the Thomas Cole Foundation. The property was recently sold to the Greene County Historical Society. The Society has obtained a sizeable grant from the State of New York for preservation of the Cole House, and is committed to rehabilitating it and presenting it to the public for educational and interpretive purposes in accordance with the Secretary of the Interior's Standards.

A 1991 National Park Service suitability/feasibility study concluded: "The Cole National Historic Landmark and nearby historic landscapes associated with him, together represent an outstanding example of places associated with this artist and possess exceptional value and quality illustrating the cultural themes of our nation's heritage. They offer opportunities for public use and enjoyment and with the appropriate interpretation would enhance related resources of the Hudson River region in which they are located * * * While the twentieth century has brought great change to that region, the site and nearby landscapes retain a high degree of integrity * * * Together, there is no question that these resources meet the criteria for national significance." The study determined that the area is nationally significant, suitable, and feasible for administration as a unit of the National Park System.

In 1993, the National Park System Advisory Board also affirmed its support for establishment of a Thomas Cole National Historic Site "encompassing the Thomas Cole home and studio as a unit of the National Park System,

with provisions for a partnership with the State, private sector, landowners, and other interested agencies to operate the site and interpret the importance of the surrounding landscape to the Hudson River School of artists.”

Although the special resource study determined that the site was eligible for designation as a unit of the National Park System and the National Park System Advisory Board supported its establishment as a new unit we believe that designating the site as an affiliated area is appropriate. The Greene County Historical Society, the site’s owner, is a capable and willing partner committed to the preservation and interpretation of the site. They are anxious to work with the National Park Service in developing a general management plan for the site as well as other ongoing interpretive and education programs. We believe designating the site as an affiliated area and authorizing the National Park Service to work cooperatively with the Greene County Historical Society and other public and private entities is the best course for the long-term preservation and interpretation of this important resource.

Cost estimates in the 1991 suitability/feasibility study for the National Historic Site were \$350,000 per year for operations and \$3 million for development if it were to be owned and operated by the National Park Service. As an affiliated area, National Park Service costs would be significantly reduced and would be limited to support costs.

We would recommend that the committee make two minor technical corrections to the bill. The first would be on page 5, line 6. The word “administer,” should be added after “manage”. The second amendment would be on page 5, line 12. Here, the words “by the Society” should be struck. Together, these two amendments clarify that it is the responsibility of the Greene County Historical Society to administer the property.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to respond to any questions you or members of the Subcommittee may have regarding this bill.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by S. 140, as ordered reported.